

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0228

SENATE BILL NO. 59

Introduced by: The Committee on Transportation at the request of the Department of
Transportation

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the elimination of
2 railroad crossings.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 31-27-4 be repealed.

5 ~~31-27-4. The Department of Transportation and boards of county commissioners shall~~
6 ~~eliminate all railroad crossings and all other dangerous places on the state trunk and county~~
7 ~~highway systems so far as practicable, by constructing undergrade or overhead crossings,~~
8 ~~relocating the highways or by use of such other means as may be necessary to safeguard the~~
9 ~~traveling public. The Department of Transportation shall determine the necessity for eliminating~~
10 ~~such dangerous crossings.~~

11 Section 2. That § 31-27-7 be amended to read as follows:

12 31-27-7. If no right-of-way is needed for the building of a subway or overhead crossing on
13 a state or county highway, the ~~Department of Transportation~~ governing body having jurisdiction
14 over the highway shall determine when it is necessary to eliminate ~~such~~ the crossing.

15 Section 3. That § 31-27-8 be repealed.

~~31-27-8. When no right-of-way is needed for the building of a subway or overhead crossing on a state highway, the Department of Transportation must proceed to eliminate such dangerous crossing.~~

Section 4. That § 31-27-9 be repealed.

~~31-27-9. When no right-of-way is needed for the building of a subway or overhead crossing on a county highway, the board of county commissioners must proceed to eliminate such dangerous crossing upon notification from the Department of Transportation.~~

Section 5. That § 31-27-10 be repealed.

~~31-27-10. When no right-of-way is needed for the building of a subway or overhead crossing on a state or county highway, the expense of such construction shall be divided between the railroad company and the state or counties, as the case may be, in accordance with the benefits accruing to each party.~~

Section 6. That § 31-27-12 be amended to read as follows:

31-27-12. If a new right-of-way is necessary for the building of a subway or overhead crossing on a state or county highway, the ~~Department of Transportation~~ governing body having jurisdiction over the highway shall determine when it is necessary to eliminate ~~such~~ the dangerous crossing.

Section 7. That § 31-27-13 be repealed.

~~31-27-13. When a new right-of-way is necessary for the building of a subway or overhead crossing on a state highway, the Department of Transportation must proceed to eliminate such dangerous crossing.~~

Section 8. That § 31-27-14 be repealed.

~~31-27-14. When a new right-of-way is necessary for the building of a subway or overhead crossing on a county highway, the board of county commissioners must proceed to eliminate such crossing upon notification from the Department of Transportation.~~

1 Section 9. That § 31-27-16 be repealed.

2 ~~31-27-16. When a new right-of-way is necessary for the building of a subway or overhead~~
3 ~~crossing on a state or county highway, the expense of the construction shall be divided between~~
4 ~~the railroad company and the state or counties, as the case may be, in accordance with the~~
5 ~~benefits accruing to each party.~~